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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,030	03/15/2004	Jens Staack	60091.00278	6867

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EXAMINER

GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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07/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,030	Applicant(s) STAACK, JENS	
	Examiner Amancio Gonzalez	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 04/11/2007. Claims 1-7 and 9-55 are now pending in the present application. This action is made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-7, 9-25, and 42-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly introduced limitation statement "unforeseen attachment statuses relative to a packet data network belonging to the mobile communication system " in claims 1, 15, and 42 is not self explanatory as recited in the claims and no further explanation is provided either in the applicant's arguments and remarks or in the specifications. As a result, the Examiner may provide an interpretation for said limitation statement as best understood by a person of ordinary skill in the art, or disregard it when applying a particular reference for consideration of the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 15, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by over Ehram (US Pat 7020098), hereafter "Ehram."

Consider claims 1, 15, and 42, and as rejected under 35 U.S.C. 112, first paragraph above, Ehram discloses initiating a packet-based service session for a communication group in a mobile communication system (**see col. 1 lines 43-56, col. 3 lines 44-67, col. 4 lines 1-12, where Ehram discusses a user initiating a packet-based session with one or more target users**). Ehram discloses composing, in an originating mobile terminal, a triggering message indicating a communication group (**composing reads on configuring -see col. 10 lines 7-38, where Ehram discusses an originating user configuring various settings, creating a triggering event leading to group communication initiation**). Ehram discloses, in addition to the originating mobile terminal, at least one first mobile terminal, the terminals of the communication group having unforeseen attachment statuses relative to a packet data network belonging to the mobile communication system (**for the purpose of consideration of the claims, the Examiner interprets the preceding statement "the**

terminals of the communication group having unforeseen attachment statuses relative to a packet data network belonging to the mobile communication system” as the mobile terminal being in a dormant or idle state –see col. 10 lines 39-67, where Ehram discusses actions taken by a terminal in an idle or dormant state after detecting a triggering event for group communication or conferencing).

Ehram discloses sending *[[a]]* the triggering message to the at least one first mobile terminal (see col. 9 lines 50-61, col. 10 lines 7-18, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing, said triggering event being generated by another mobile station seeking to establish a real-time media application push-to-talk session with a target user or group).

Ehram discloses receiving the triggering message in the at least one first mobile terminal (*receiving reads on detecting -see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing).* Ehram discloses in response to the receiving, bringing at least one of the at least one first mobile terminal to a state allowing reception of packets from the packet data network, the packets belonging to *[[the]]* a packet-based service session of the communication group (see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing and, in response to detecting the triggering, acquiring or maintaining a data connection).

Claims 2-7,9, 10, 14, 16-25, and 43-50, as amended as well as in their original presentation, stand rejected following their respective independent claims rejection, the

rejection including the secondary references cited in the first office action non-final (refer to Non-final office action mailed on 01/24/2007).

Consider claim 13, Ehram teaches claim 1, and Ehram further discloses performing a bringing step without delay (see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing and, in response to detecting the triggering, acquiring or maintaining -hence no delay in the bringing- a data connection).

Consider claims 26 and 33, Ehram discloses for initiating a packet-based service session for a communication group in a mobile communication system (**see col. 1 lines 43-56, col. 3 lines 44-67, col. 4 lines 1-12, where Ehram discusses a user initiating a packet-based session with one or more target users**) receiving a communication group triggering message in a mobile terminal belonging to a **[[of]]** in a mobile communication system, **[[the]] a** triggering message indicating the communication group (**receiving reads on detecting -see col. 9 lines 50-61, col. 10 lines 7-18, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing, said triggering event being generated by another mobile station seeking to establish a real-time media application push-to-talk session with a target user or group**). Ehram discloses in response to the receiving, bringing the mobile terminal to a state allowing reception of packets from a packet data network belonging to the mobile communication system, the packets belonging to **[[the]]** a packet-based service session system-of the communication group (**see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a**

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triggering event intended for group conferencing and, in response to detecting the triggering, acquiring or maintaining a data connection).

Claims 25-32, and 34-41, as amended as well as in their original presentation, stand rejected following their respective independent claims rejection, the rejection including the secondary references cited in the first office action non-final (refer to Non-final office action mailed on 01/24/2007).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 51, 52, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Gottlieb et al. (US 20050181726 A1), hereafter "Gottlieb."

Consider claims 51, 52, 54, and 55, Ehram teaches claims 1, 15, 26, and 33 respectively, but does not particularly refer to prompting the user for accepting a

session invitation. Gottlieb teaches prompting the user for accepting a session invitation (see pars. 0047, 0052). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram and have it include prompting the user for accepting a session invitation, as taught by Gottlieb, thereby providing means for identifying and communicating with digital communication devices, as discussed by Gottlieb (see par. 0006).

9. Claims 11, 12, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Maggenti (US Pat 6477150), hereafter "Maggenti."

Consider claims 11 and 53, Ehram teaches claims 1 and 26, but does not particularly refer to indicating a session starting time. Maggenti teaches indicating a session starting time (see col. 27 lines 56-59). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram and have it include indicating a session starting time, as taught by Maggenti, thereby providing means information related to a data session duration.

Consider claim 12, Ehram, as modified by Maggenti, teaches claim 11, and Ehram further discloses performing a bringing step (see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing and, in response to detecting the triggering, acquiring or maintaining a data connection).

Response to Arguments

10. Applicant's arguments with respect to **claims 1-50** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Delaney Street

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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio Gonzalez, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez, can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

July 11, 2007


RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
7/20/07